

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

In accordance with the foregoing, claims 35 and 46-47 have been amended. Claims 35-39, 41-42, 44, and 46-48 are pending and under consideration.

I. Rejections under 35 U.S.C. § 102

In the Office Action, at pages 3-4, claims 35-38, 41-42, and 44 were rejected under 35 U.S.C. § 102(b) as anticipated by Nakabayashi (U.S. Patent No. 5,600,481).

Nakabayashi does not discuss or suggest:

a plurality of gain-equalizers, respectively positioned after each optical amplification medium, equalizing the gain-characteristics of the wavelength band, each of the gain-equalizers having a transmittance band and an elimination wavelength band, the transmittance band providing a flat gain characteristic in the gain-characteristic of the wavelength band by a characteristic of the gain-equalizer, and the elimination bands being eliminated from the amplification mediums gain, including the gain peak,

as recited in amended claim 35. Therefore, Nakabayashi does not discuss or suggest all of the features of claim 35, so that claim 35 patentably distinguishes over Nakabayashi. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Claims 36-38, 41-42, and 44 depend either directly or indirectly from claim 35, and include all the features of claim 35, plus additional patentable features that are not discussed or suggested by the reference relied upon. Therefore, claims 36-38, 41-42, and 44 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 102(b) rejections is respectfully requested.

In the Office Action, at pages 4-5, claim 46 was rejected under 35 U.S.C. § 102(b) as anticipated by Nakabayashi in light of Becker et al.

Applicants respectfully request that the Examiner clarify this rejection, as it appears as though the Examiner has cited two references, Nakabayashi and Becker et al., in making a rejection under 35 U.S.C. § 102(b).

Nonetheless, Nakabayashi and Becker et al., alone or in combination, do not discuss or suggest:

a plurality of gain-equalizers, respectively positioned after each

optical amplification medium, equalizing each output light of the preceding optical amplifier medium for passing through a predetermined wavelength band in the gain-characteristic of the wavelength band, and eliminating an eliminating band including the gain peak,

as recited in amended claim 46, so that claim 46 patentably distinguishes over Nakabayashi and Becker et al. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

In the Office Action, at pages 5-6, claims 35 and 38-39 were rejected under 35 U.S.C. § 102(b) as anticipated by Kinoshita et al. (U.S. Patent Application No. 2002/0001124).

Applicants have submitted a verified translation of the corresponding Japanese Patent Application No. 2000-046467, to which the present application claims priority, herewith. The filing date of the corresponding Japanese Patent Application No. 2000-046467 is February 23, 2000. Therefore, Applicants respectfully submit that priority has been perfected and request withdrawal of this § 102(e) rejection.

II. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 7-8, claim 39 was rejected under 35 U.S.C. § 103(a) as unpatentable over Naito (U.S. Patent No. 6,034,812) as applied to claim 35 above, and further in view of Becker et al.

Applicants respectfully request that the Examiner clarify this rejection, as it appears as no previous rejection of claim 35 with respect to Naito has been put forth by the Examiner.

Nonetheless, Naito and Becker et al., alone or in combination, do not discuss or suggest:

a plurality of gain-equalizers, respectively positioned after each optical amplification medium, equalizing each output light of the preceding optical amplifier medium for passing through a predetermined wavelength band in the gain-characteristic of the wavelength band, and eliminating an eliminating band including the gain peak,

as recited in amended claim 35, so that claim 35 patentably distinguishes over Naito and Becker et al. Claim 39 depends from claim 35, and includes all the features of claim 35, plus additional patentable features that are not discussed or suggested by the references relied upon.

Therefore, claim 39 patentably distinguishes over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at pages 8-9, claims 47-48 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nakabayashi in view of Naito.

Nakabayashi and Naito, alone or in combination, do not discuss or suggest:

a plurality of optical gain-equalizers respectively positioned after each optical amplification medium equalizing each output light of the preceding optical amplification medium, outputting an output light having substantially flat power characteristics, and eliminating an eliminating band of the gain-characteristic of the wavelength band, the eliminating band including the gain peak,

as recited in amended claim 47, so that claim 47 patentably distinguishes over Nakabayashi and Naito. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claim 48 depends from claim 47, and includes all the features of claim 47, plus additional patentable features that are not discussed or suggested by the references relied upon. Therefore, claim 48 patentably distinguishes over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

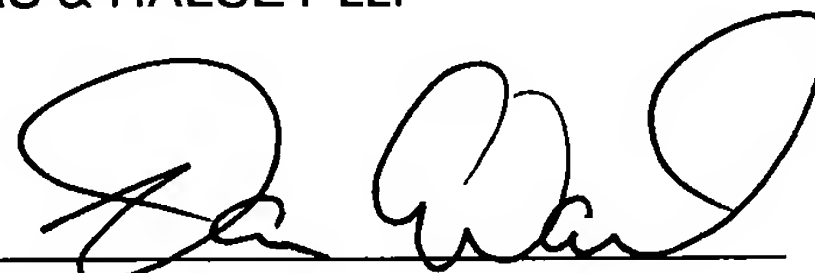
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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